

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON
MONDAY, APRIL 7, 2008 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:31 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Price, Mr. McLaughlin, Mrs. Benedetti, Mr. Gonder, Mr. Messer, Mr. Zurschmiede and President Jeff Gahan.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: Deputy Mayor Carl Malysz, Asst. Director of City Operations Matt Denison, John Rosenbarger and Scott Wood.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Coffey moved to approve the regular meeting minutes of March 20, Mr. Caesar second, all voted in favor

Mr. McLaughlin moved to approve the Work Session meeting minutes of March 20, Mr. Price second, all voted in favor

Mr. Coffey motioned to move the CF-1 forward on the agenda, Mr. Messer second, all voted in favor

COMMUNICATIONS – PUBLIC:

Gary Wacker addressed the council again regarding the PUDD for the pawn shop on Mt. Tabor Road. He stated that he and his neighbors do not feel that it is appropriate to have a pawn shop in a residential area. He presented the council with copies of “stop work orders” for this address from the Building Commissioners office due to the lack of response to violations.

Peter Boyce, Mt. Tabor Road, also voiced his objection to the pawn shop in the area.

Mr. Messer asked if either individual’s property was up for sale.

They both said that they were not.

Shirley Baird addressed the council regarding G-08-05 and stated that she feels that citizen committees are a good idea and she would be willing to sit on any committees that are necessary.

COMMUNICATIONS – CITY OFFICIALS:

Corporal Mike Lawrence informed the council that they will be on the agenda soon regarding up-dating their fleet of cars and explained that he has information to give to them. He stated that they will not be going through the State sale because it is too expensive. However, they need to move quickly on the purchase of these cars because Ford will be raising their prices by \$1500 on the police package cars. He stated that the administration has received a letter from the insurance company stating that they were not happy with the amount of mileage the cars they are currently using has on them.

Mr. Steve LaDuke addressed the council regarding the following properties and went over the progress on each project: 707 & 711 W. Spring Street, 1909 E. Spring Street, 1663 Kenwood Ave, 822 W. Market St, 1925 Center St, 716 E. 11th St, 521 W. Main, 324 Golf St, and 1114 E. Oak, 221 Sloemer, 620 W. 5th St, 30 E. 18th St, and 1817 Conservative St. Memo is on file with the City Clerk’s office.

Mr. Messer stated that he had asked Randy Smith to come forward to give the in depth committee report for the redistricting. He stated that they have another meeting set for April 10 at 6:00 in the Commissioners meeting room and they are working to set a meeting on April 12 possibly in the Police Training Room at 1:30.

Mr. Gahan stated that this report should be done by Mr. Messer, the council member, because this is time for communications for City Officials and he is the council appointed chairman of that committee.

Mr. Messer read the report which is on file with the City Clerk's office.

There was a lengthy discussion regarding the methodology used to calculate the population for the area.

Mr. Price stated that they had their first Tax Abatement Committee meeting tonight and he thanked Mr. Malysz for helping them. He stated that they are working to establish a uniform policy.

Mrs. Benedetti stated that in regards to Mr. Gahan's letter for the calendar she thinks it is a wonderful idea.

Mr. Gonder asked if anyone had any information on the swimming pool.

Mr. McLaughlin stated that he talked to Mr. Roger Jeffers and basically it is not going to be permanently closed, but they are closing this summer due to the repairs that are needed and because Daisy Lane will be closed which will reduce the number of people who will be coming to the pool. However, they will take this time to see if it is worth it to do the repairs and reopen the pool the following year and if not then they will not reopen the pool at all.

Mr. LaDuke stated that he is a member of the parks board and they have never stated that they will permanently close the swimming pool. He stated that it can be fixed it is just a matter of how much they want to put into it. He stated that they have had two contractors give quotes anywhere from \$80,000-\$200,000 but it would only be guaranteed for two years and right now they need to look at if they want to start over or changing locations.

Mr. Coffey stated that the council appropriated money for Camille Wright in their budget and the council wants to make sure that money is used for the pools issues only or for that money to be frozen.

Mr. LaDuke stated that he agrees and if there is money set aside for the pool they should make sure it is applied to that and he will make sure to take it back to the Parks Board.

Mr. Coffey informed the board that the Redevelopment board will be approving a selling of a piece of property that is a parking lot and a privately funded project will be coming in there and they should be commended.

COMMUNICATIONS – MAYOR

Mr. Malysz stated that he wanted to commend Mr. Coffey. He stated that he has been diligent to get this project moved forward. The Mayor wanted him to mention that there will be something coming before them for capital funds for equipment for the police, fire and Street Department including the police cars and he has also been told that there is some desire to get new audio/visual equipment for the meeting room. He has been informed that there is money that has been appropriated out of River Board funds and they would like to bring those things forward all together rather than doing it piece meal. He stated that the Mayor also applauds John Gonder's ordinance for citizen committee's. He also informed the council that there was a notice in the paper with a number of citizens to call to report pots to be filled and they have received a substantial number of not only phone calls but also contact through the website reporting those, but this is not to

be confused with the administrations plan for paving the streets. He informed them that in approximately 60 days they will come to the council with a plan for the paving.

Mr. Price asked him if they are looking at the over-time as far as the funds in the red.

Mr. Malysz stated that the red ink was not necessarily caused by the over-time but it has made it difficult for them to over-come the red ink.

Mr. Coffey stated that this is the fiscal body and he feels that they should be meeting with Ron Carroll and Kay Garry because this is the fiscal body of the city and he doesn't think that should be the administration that comes to them to tell them what to fix but it should come to them first and then they could hear ideas from the administration.

Mr. Malysz stated that he is absolutely right and the council is the responsible fiscal body and when the Mayor says he wants to bring forward a plan it doesn't mean to exclude them or not hear input from the council.

Mr. Coffey stated that they need to know what the problem areas are because the administration seems to know what the problem areas are and they need to inform the council of them. He stated that they council should have a meeting regarding this and they should be the ones in control of this.

Mr. Malysz stated that this is a priority for the Mayor and he is aware that to be effective they all have to work together

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

Mitchell Veneers, Inc., Compliance with Statement
of Benefits, Referencing R-05-11

Mr. Messer moved to approve, Mr. Coffey second, all voted in favor

Billie & Gloria Faith, Compliance with Statement of
Benefits, Referencing R-00-22

Mr. Coffey moved to approve, Mr. Messer second, all voted in favor

St. Edward Court, L.P., Compliance with Statement of
Benefits, Referencing R-00-03

Mr. Price moved to approve, Mr. Caesar second, all voted in favor

Larry & Brenda Scharlow, Compliance with Statement of
Benefits, Referencing R-01-33

Mr. Caesar moved to approve, Mr. Messer second, all voted in favor

INTRODUCTION OF ORDINANCES AND RESOLUTIONS:

READING

R-08-14	Resolution for the Establishment of a City Clerk Change Fund	Zurschmiede
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Mr. Price asked if they were going after old parking tickets with this new system or just new ones.

Ms. Wisman explained that they are going back until 2003 because that is as far back as they have accurate information. She explained that so far this year they have collected \$30,000 in unpaid tickets and that the City Attorney authorized her office to waive the

late fees that are assessed on the tickets for the first thirty (30) days after receiving the notice.

Mr. Zurschmiede moved for the reading of R-08-14, Mr. Messer second, all voted in favor

R-08-15 Resolution to Continue Litigation McLaughlin

Mr. McLaughlin moved for the reading of R-08-15, Mr. Coffey second, all voted in favor except Mr. Messer and Mr. Zurschmiede who voted nay.

Mr. McLaughlin explained that this is not necessarily saying that they are going to appeal this decision but they simply want more information on why Judge Cody ruled as he did.

Mr. Zurschmiede stated that it should specify on the resolution that there is no cost involved in this and he wants to clarify that when they say there is no cost that means no cost to the council but there is possible cost for the two other boards with their attorneys.

Ms. Benedetti stated that they aren't responsible for that.

Mr. Zurschmiede stated that they are responsible for all the tax payers' dollars.

G-08-04 An Ordinance Amending the New Albany Municipal Benedetti 1
Code by Adding New Section 94.30; providing for
Restrictions on Novelty Lighters

Mrs. Benedetti tabled this until the next meeting.

G-08-05 An Ordinance to Enable the Common Council of Gonder 1
New Albany to Charter Various Boards and
Commissions Staffed by Citizens

Mr. Gonder tabled this in order to receive more information from the president of the council as well as the council attorney and read the ordinance in full. He explained that Mr. Gahan and Mr. Ulrich informed him that this power currently exists. However, he has not been able to find this in the ordinance book.

Mr. Coffey stated that he has concerns with there being people in the historic district that can't afford to fix up their homes and there are people sitting on these boards that do not even live in these areas and it is costing individuals in this area too much money and potentially businesses from moving in.

Mr. Gonder stated that this is the intent to increase the involvement of the citizens and the council would be the chartering board. He said he has nothing specific in mind with regards to these boards but he would hope it would be different things such as a beautification board and explained that these were modeled off of something that is done in Bloomington and they have been very successful. He asked where the power is residing at and he wanted Mr. Ulrich to present that information to him by the next meeting.

Mr. Gahan stated that they can establish it any time he wants whether he wants to do it by a board or what, just bring it before them.

Z-08-02 Ordinance Amending the Code of Ordinances of Price 1
New Albany, Indiana, Title XV, Chapter 156
(Docket P-01-08: Go for Less, LLC)

Mr. Price moved for the first reading of Z-08-02, Mr. Zurschmiede second, the motioned failed with Mr. Coffey, Mr. Caesar, Mr. Gahan, Mr. Gonder and Mr. Zurschmiede voting nay, and Mr. Price, Mr. McLaughlin, Mr. Messer and Mrs. Benedetti voting aye

Mr. Price explained that this is on Mt. Tabor Rd. and received a 6 to 2 unfavorable and he stated that he would let Mr. Naville to address this.

Mr. Mike Naville, attorney for Go for Less, LLC, addressed the board and explained that the property has been greatly improved by this building. He stated that this is one instance where they are down-sizing the zoning intensity and he doesn't see how this could decrease the property value. He informed them the staff report that came out on this unfavorably was primarily in his opinion simply because it is a pawn shop. He stated that they are two things to back this up 1. The Sprigler property that is about thirty feet away and they came in and asked to put in patio homes that was zoned industrially and the staff report said that their doesn't seem to be a need for a site that size. 2. If you look within 300 yards left to right of this property there are 12-15 business and many of them are on the same side of the road that this would be and they are all commercial. He stated that with it being so close to the industrial park they could benefit from all the employees that work in this area. He explained that this type of business is highly regulated and have earned a negative reputation from television and movies that are very far from the truth.

Mrs. Benedetti asked if this is the same shop that was in Colonial Manor.

Mr. Dykes stated that he was there for 10 years.

Mr. Naville went over the handout detailing statistics about pawn brokers. He introduced Mr. Dykes, the owner of the pawn shop and gave a little history about him and his family.

Mr. Messer asked why he is moving.

Mr. Dykes stated that he has to move because his rent is \$5000 where he is now and he no longer has the foot traffic that he had when the Kroger Store was in the building.

Mr. Wood stated that Mr. Hartman did issue two stop work orders regarding no response to violations for non-compliance.

Mr. Price stated that he is one that voted for it because there are so many other retail businesses in the area and the building has been sitting empty for five years. He stated that he believes that if they let one retail business in there then they shouldn't restrict someone else from doing it.

Mr. Wood explained that he wanted to address the fact that it was said that there is an apparent bias against the pawn shop. He stated that when Mr. Dykes first came to establish his pawn shop an amendment to the zoning code was amended to admit by right pawn shops to be zoned C1 and they are located all over New Albany so he could find another place for his business in any of these commercial corridors so to say they are biased is just untrue. He explained that it is not being biased against the pawn shop at this location it is introducing a commercial in the midst of an industrial location. He stated that if this is a financial institution then locating it in the middle of industrial zoning is not appropriate.

Mr. Naville stated that he felt there was some contradiction to what Mr. Wood is saying because they are saying there is nothing to protect the two residence that are there right after they just said this can be nothing but industrial. He explained that they are more than willing to accept suggestions or stipulations but it is a contradiction to say it is strictly industrial when that is simply not true and he has a right to use this property that he owns out in this area.

Z-08-03	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-05-08: Jim Padgett)	Price 1
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Mr. Price moved for the first reading of Z-08-03, Mr. Coffey second, all voted in favor

Mr. Wood stated that they received a favorable recommendation with a vote of 8 to 0.

Mr. Price moved for the first reading of Z-08-04, Mr. Messer second, all voted in favor

Mr. Wood explained that this received a favorable recommendation with an 8 to 0 vote.

Mr. Coffey stated that he has been receiving numerous calls from people who have received tickets for the street sweeper during a storm that feel like they are paying a fee. He stated that he would like to have a committee put together to address parking in general.

Ms. Wisman stated that she drafted something and is working with Mr. Gibson and she has expressed her concerns to the council numerous times before with no action. She explained several issues with the parking in the downtown area and stated that she is willing to work with anyone to get something done for this. She stated that they finally do have a system that is fair and a way to enforce it and she works with the citizens of New Albany on a daily basis to make it fair and reasonable but to say that these people do not have to pay these tickets is totally unfair because they received the tickets and then put them aside without ever addressing it or bothering to call her office to try and work something out. She stated that if there is an issue of the officers writing tickets to some cars and not others then that is something they need to take up with the Dennis Smith.

Mr. Gahan stated that there will be a work session before the next meeting to discuss bonds.

Mayor England stated that he was sorry that he was not here earlier but he was at a meeting to discuss his trip to Japan. He stated that he would like to address some of Mr. Coffey's issues and explained that he does not believe that the traffic officers are handing out tickets in a discriminatory manner and it is not up to the officers to pick a choose who can and can't get out of their homes in time to move their vehicles. He stated that the Board of Public Works and Safety is trying to work with the City Clerk's Office to create a new policy for downtown parking passes to encourage traffic downtown. He stated that the clerk's office is doing what it needs to be doing right now and in the past she had no tools to enforce this before and now she does and the council needs to give them time to rectify what was wrong with the system. He encouraged the council members to come to the Board of Works meetings and speak up for their districts and give their input but he is not going to change the rules. He stated there has been parking signs posted for years and years and if people choose to park in these spots then shame on them. He explained that he is not trying to sound insensitive but he is not going to change the rules. He stated that Ms. Wisman has a system in place to go after the people that aren't paying and has collected more in the last three months than she ever has.

ADJOURN:

There being no further business to be heard, the meeting adjourned at 9:32 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Marcey Wisman, City Clerk